

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 8, 2002

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

02-01 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the agenda for the January 8, 2002, meeting be approved with the following amendment: Delete Item 9C3 concerning cash donations to Senior Services.

02-02 ELECTION – BOARD CHAIRMAN

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Shaw voting "no," Commissioner Pete Sferrazza was appointed as Chairman of the Board of County Commissioners. Commissioner Shaw said he expressed concerns to Commissioner Sferrazza during the past year in reference to issues that came before the Board and indicated that he could not support his appointment as Chairman. Commissioner Sferrazza then assumed the gavel and presided over the meeting as follows:

Pete Sferrazza, Chairman
Joanne Bond, Vice Chairman [elected below]
Jim Galloway, Commissioner
Jim Shaw, Commissioner
Ted Short, Commissioner

PRESENTATION TO COMMISSIONER SHAW

Katy Singlaub, County Manager, expressed appreciation for Commissioner Shaw's leadership of the County over the past year.

Chairman Sferrazza presented a plaque of recognition to Commissioner Shaw for his service to the people of Washoe County as Chairman of the Board of Commissioners from January 2001 to January 2002. Chairman Sferrazza thanked Commissioner Shaw for his service to the County.

02-03 ELECTION – BOARD VICE CHAIRMAN

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Commissioner Joanne Bond was elected Vice Chairman of the Board of County Commissioners.

PUBLIC COMMENTS

Frank Partlow, area citizen, said he supports the suggestion made at yesterday's caucus about Board discussion on agenda items being more to policy matters and less to consent items. He cautioned that care be taken not to move away from something that is working quite well to provide the information the Commissioner's need to make decisions. Mr. Partlow then advised that March 15, 2002, is the 200th anniversary date of his alma mater, the U. S. Military Academy and suggested the County consider having recognition of that event.

Richard Hobbs, area resident, discussed issues of concern regarding the Copper Canyon Project and the Regional Open Space Plan. He asked that the Board request Sparks to suspend all actions on the Copper Canyon Project until the County has had a chance to work on the Open Space Plan; initiate action to comply with the Regional Open Space Plan and provide special consideration for acquisition of that area; and urge that the Regional Plan update provide that all areas designated as open space be included in development constraint areas.

Sam Dehne, Reno citizen, said this is the 47th anniversary of his alma mater, the Air Force Academy, and maybe there could be some recognition of that event. He said citizens should decide what they want relative to the proposed "kitty litter" plant. Mr. Dehne then expressed his concerns regarding the Airport's Part 150 Noise Study.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Shaw advised he received several calls that citizens have had their water turned off, and requested an update on this issue. Commissioner Galloway stated that he would like to have a Regional Plan Update discussion as soon as possible to include issues concerning annexation matters and a review of the County's options relative to the plan. Commissioner Short said he is concerned about the County's

representation on the Truckee Meadows Water Authority (TMWA) Board and would like to have discussion regarding that matter. Katy Singlaub, County Manager, introduced Michelle Poché, new Assistant County Manager, who was welcomed by the Board. Ms. Singlaub noted that the Board Retreat is scheduled for January 14 at Bartley Ranch. Chairman Sferrazza said he and Commissioner Short met with Connected Communities, and they requested that the Commission support additional public input concerning the Regional Plan Update; and that the status quo be maintained until a complete inventory is done regarding what is available for additional growth in the community. He requested that these matters be placed on a future agenda, as well as a discussion regarding the concerns expressed by Mr. Hobbs under public comment.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the minutes of the regular meetings of November 27 and December 11, 2001, be approved.

02-04 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow up medical or psychological treatment for 39 sexual assault victims in an amount totaling \$11,698.80 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated December 20, 2001, and placed on file with the Clerk.

02-05 ACCEPT DONATIONS – MARY ANNE DECARIA - MCGEE CENTER – JUVENILE SERVICES

Upon recommendation of Michael Pomi, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the donation to the McGee Center of \$100 from Mary Anne Decaria in memory of Ardella McGee be accepted with gratitude. It was further ordered that the following account changes be authorized:

Increase Revenue	Account	Amount
12931D-5802	Donation	\$100.00
Increase Expenditure	Account	Amount
1231D-7266	Recreation	\$100.00

02-06 **ACCEPT DONATION – ROTARY CLUBS OF RENO AND SPARKS – IMMUNIZATION PROGRAM – HEALTH**

Upon recommendation of Barbara Lee Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the cash donation of \$880.47 from the Rotary Clubs of Reno and Sparks to the Washoe County District Health Immunization Program be accepted with gratitude. It was further ordered that amendments to the Immunization Program for the Fiscal Year 01/02 budget be approved and the following account transactions be authorized:

Account Number	Description	Increase
002-1700-17350-5802	Donations – General	\$880.47
002-1700-17350-7403	Biologicals	\$880.47

02-07 **FOURTH QUARTER REPORT - FISCAL YEAR 2000/01 – COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the fourth quarter report for Fiscal Year 2000/01 ending June 30, 2001 submitted by the Comptroller be accepted.

02-08 **INCREASE - SOCIAL SECURITY BENEFITS - SUPPLEMENTAL SECURITY INCOME – PERSONAL ALLOWANCE - ADULT GROUP CARE – SOCIAL SERVICES**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the new Adult Group Care (AGC) rate of \$788 per month, the increase all AGC residents personal needs allowance from \$84 to \$86 per month, and allowing AGC residents who are recipients of Social Security and/or Supplemental Security Income (SSI) to keep their 2.6% cost-of-living increase for the month of January 2002 be approved.

It was noted that the 2.6% increase in the cost of care for 33 AGC residents who do not receive SSI will result in an additional annual cost of \$4,752, and the additional annual cost to increase the personal needs allowance for all 61 residents is \$1,464.

02-09 **PURCHASE – ROTARY FILING SYSTEM – COMMUNITY WORK PROGRAM – SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chair

man Sferrazza ordered that the purchase of a rotary filing system for the Sheriff's Community Work Program (SCWP) at the cost of \$17,235.91 be authorized.

It was noted that funding for this system is currently available in the Alternative to Incarceration Unit budget.

02-10 ACCEPTANCE OF GRANT – NEVADA DEPARTMENT OF HUMAN RESOURCES, DIVISION OF CHILD AND FAMILY SERVICES – NATIONAL VICTIM ASSISTANCE ACADEMY TRAINING PROGRAM – DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the District Attorney's Office be authorized to accept grant funds in the amount of \$1,432 with a County match of \$385 from the Nevada Department of Human Resources, Division of Child and Family Services. The award will expire on October 30, 2002 and is for the victim advocate's position currently funded by VOCA to attend the weeklong training offered by the National Victim Assistance Academy in Topeka, Kansas.

It was further ordered that the following account transactions to the District Attorney's budget be authorized:

Revenue Account	Description	Increase Budget Amount
10669G02-4301	Federal Contribution	\$1,432.00
Expenditure Account	Description	Increase Budget Amount
10669G02-7620	Travel	\$1,432.00

02-11 ACCEPTANCE OF GRANT – U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – SENIOR SERVICES LEGAL SERVICES UNIT

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the pursuit and acceptance of a grant from the U. S. Department of Housing and Urban Development in the amount of \$18,515 to be applied to existing positions within the legal services unit be approved retroactively, and the following account transactions be authorized:

Revenue Account	Amount
25041G3-4301	\$18,515
Expenditure Account	Amount
25041G3-7000	\$18,515

02-12

GRANT OF EASEMENT – ALBERTSON'S INC. – WATERLINE IMPROVEMENTS – SPANISH SPRINGS - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the Grant of Easement from Albertson's Inc. for waterline system improvements in Spanish Springs Valley be approved and Chairman Sferrazza be authorized to execute. It was further ordered that the Manager of the Utility Services Division be directed to record the Grant of Easement with the County Recorder.

02-13

WATER RIGHTS DEED – DONALD W. COX AND CAROL R. COX – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Manager, through Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the following actions be taken regarding the Donald W. Cox and Carol R. Cox residential lot located in Hidden Valley, APN 051-115-12:

1. The Water Rights Deed for 1.12 acre-feet of ground water rights from a portion of Permit 53248 between Donald W. Cox and Carol R. Cox, as Grantors, and Washoe County, as Grantee, be approved and Chairman Sferrazza be authorized to execute.
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

02-14

REJECT BIDS – GALENA CAMP WE-CH-ME, PHASE 1 PROJECT – BID NO. PWP-WA-2001-598 - PUBLIC WORKS

Upon recommendation of Anthony McMillen, Public Works Department, through Rodney Savini, Capital Projects Division Manager, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that all bids submitted for the Galena Camp We-Ch-Me Phase I project be rejected and staff be directed to re-bid the project in February 2002.

It was noted that the low bid received in response to the Notice to Contractors published in the Reno-Gazette Journal on November 16, 2001 was approximately 20 percent over the Engineer's estimate; that the high bids received can be attributed to the timing of the bid and the approaching winter season, along with the scope of work; and that re-bidding the project with a revised scope of work is anticipated to result in a reduction in the cost of Phase I.

**02-15 AGREEMENT – HANSEN LANDSCAPE ARCHITECTS, INC. –
LAZY 5 PARK, PHASE II – PUBLIC WORKS**

Upon recommendation of Anthony McMillen, Public Works Department, through Rodney Savini, Capital Projects Manager, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the Agreement with Hansen Landscape Architects, Inc. for design services for the Lazy 5 Park, Phase II in the amount of \$97,415.00 be approved and Chairman Sferrazza be authorized to execute.

It was noted that Phase II of the park was included in the Parks/Libraries/Open Space/Land Acquisition bond approved in November 2000. A Request for Proposal (RFP) was advertised in the Reno Gazette-Journal on August 24 and 29, 2001 soliciting architectural services for the Phase II design. Nine proposals were received in response to the RFP and four firms were interviewed. The selection committee, which included representatives from Public Works, Parks Commission and Parks staff, selected the firm of Hansen Landscape Architects, Inc. as the most qualified firm for the project.

**02-16 QUITCLAIM DEEDS OF CORRECTION – SOUTH VALLEYS
REGIONAL SPORTS COMPLEX – PARKS**

Upon recommendation of Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that four Quitclaim Deeds of Correction reserving the original landowners water and mineral rights at the Washoe County South Valleys Regional Sports Complex be approved and Chairman Sferrazza be authorized to execute. It was noted that the Deeds conform with the original "Land Contribution and Acquisition Agreement" that dedicates the land to the County.

**02-17 AGREEMENTS – CINCINNATI MUSEUM CENTER TRAVELING
EXHIBITION – WONDERWORKS EXHIBITS COMPANY, INC. –
WILBUR D. MAY MUSEUM - PARKS**

Upon recommendation of Kristy Lide, Recreation Specialist III, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the Cincinnati Museum Center Traveling Exhibition Agreement between Washoe County and the Cincinnati Museum Center concerning provision of an exhibit entitled "Our Weakening Web: The Story of Extinction" for the Wilbur D. May Museum in the amount of \$18,000 to be expensed to May Museum account 6402-7321 be approved and Chairman Sferrazza be authorized to execute.

It was further ordered that the Exhibition Agreement between Washoe County and WonderWorks Exhibits Company, Inc. concerning provision of an exhibit entitled "The Prehistoric Playground" for the Wilbur D. May Museum in the amount of

\$32,500 to be expensed to May Museum account 6402-7321 be approved and Chairman Sferrazza be authorized to execute.

02-18 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, and Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved, and Chairman Sferrazza be authorized to execute on behalf of the Commission.

Reno Food Distributors--Parcel #004-130-45 [-\$134.63] (2001 Secured Roll).
Sierra Dental Lab--I.D. #2/163-045 [-\$158.71] (2001 Unsecured Roll).
Spectrasite Communications Inc--I.D. #2/470-213 [-\$188.08] (2001 Unsecured Roll).
ACM Aviation--I.D. #52/00-127 [-\$132,450.17] (2001 Unsecured Roll).
Sunrise International Leasing--I.D. #2/190-957 [-\$259.63] (2000 Unsecured Roll).
Dorothy M. Bauder--Parcel #030-351-09 [-\$24.27] (1999 Secured Roll).
Tammy Apodaco--Parcel #030-561-23 [-\$112.71] (1999 Secured Roll).
Dorothy M. Bauder--Parcel #030-351-09 [-\$24.27] (2000 Secured Roll).
Tammy Apodaco--Parcel #030-561-23 [-\$112.71] (2000 Secured Roll).
Craig W. Wyatt--Parcel #124-400-19 [-\$171.43] (2000 Secured Roll).
Credence LLC--Parcel #004-130-68 [-\$64.69] (2001 Secured Roll).
George Karadanis, PTSP--Parcel #006-221-18 [-\$1,432.14] (2001/02 Secured Roll).
Intercapital Development, Inc.--Parcel #006-222-23 [-\$1,327.84] (2001/02 Secured Roll).
Dale B. & Liane McCombs--Parcel #007-076-05 [-\$170.67] (2001/02 Secured Roll).
Trendwest Resorts, Inc.--Parcel #011-031-13 [-\$195.51] (2001 Secured Roll).
John Iliescu, Jr.--Parcel #011-112-06 [-\$328.04] (2001/02 Secured Roll).
Mary C. Yragui--Parcel #012-015-03 [-\$155.22] (2001/02 Secured Roll).
Kirman Properties, LLC--Parcel #012-073-05 [-\$113.12] (2001 Secured Roll).
TRC, LLC--Parcel #012-132-16 [-\$248.45] (2001/02 Secured Roll).
Desiderio Properties--Parcel #012-137-10 [-\$114.46] (2001/02 Secured Roll).
Hamilton Company--Parcel #012-363-05 [-\$1,567.06] (2001/02 Secured Roll).
Depaoli Investments, Ltd.--Parcel #012-371-07 [-\$184.78] (2001 Secured Roll).
Magnoliadermody 1 LLC--Parcel #012-403-02 [-\$1,254.85] (2001 Secured Roll).
Grant M. Davis--Parcel #023-194-66 [-\$315.42] (2001 Secured Roll).
Seung B. & Chang S. Park--Parcel #025-403-04 [-\$163.99] (2001/02 Secured Roll).
Baal, Inc.--Parcel #025-470-55 [-\$1,758.91] (2001 Secured Roll).
Dorothy M. Bauder--Parcel #030-351-09 [-\$24.57] (2001 Secured Roll).
Tammy Apodaco--Parcel #030-561-23 [-\$119.21] (2001 Secured Roll).
Roundhouse Village Homeowners Association--Parcel #031-420-49 [-\$122.36]
(2001 Secured Roll).
Earl L. Smith--Parcel #082-316-18 [-\$199.15] (2001 Secured Roll).
Samula A. Godinez--Parcel #082-452-11 [-\$281.56] (2001 Secured Roll).
Richard H. & Ina R. Lukens, Jr., Tr.--Parcel #122-181-50 [-\$894.47] (2001
Secured Roll).
Craig W. Wyatt--Parcel #124-400-19 [-\$346.65] (2001 Secured Roll).
Marilyn M. Tucker, Tr.--Parcel #130-241-01 [-\$27.01] (2001 Secured Roll).

Craig Knox--Parcel 530-031-01 [-\$170.70] (2001 Supplement Roll, Improvements Only).
Gary M. & Mary E. Drager--Parcel #566-070-18 [-\$79.35] (2001 Supplement Roll, Improvements Only).

02-19 REQUEST FOR FOUR-DAY, TEN-HOUR WORK SCHEDULE – DEPUTY CORONER (TECHNOLOGIST) – CORONER

Vern McCarty, Washoe County Coroner, provided information in response to questions asked by Board members concerning the fiscal impact regarding the proposed work schedule for three employees of the Coroner's Office. Mr. McCarty provided and discussed current and proposed on-call schedules for employees of his office.

Following discussion, upon recommendation of Vernon McCarty, Washoe County Coroner, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that a ten-hour day, four-day week schedule for three employees classified as Deputy Coroner (Technologist) be approved.

02-20 DELETION OF UNCOLLECTIBLE PERSONAL PROPERTY ACCOUNTS FROM PERSONAL PROPERTY TAX ROLLS – COMPTROLLER

Chairman Sferrazza said discussion was held at yesterday's caucus concerning whether these personal property accounts represented corporations or individual businesses. He stated he would not want to delete accounts that represented individuals. Katy Singlaub, County Manager, said staff was advised of the Board's discussion, but she has not received a response.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that deletion of the uncollectible personal property accounts listed on the September 2001 Assessor's/Treasurer's Deletion List that can be verified to be corporations or limited liability companies be authorized; and accounts that cannot be verified to be corporations or limited liability companies be left on the personal property tax rolls.

02-21 RESOLUTION – FINANCING OF BUILDING PROJECTS - REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS

Sam Dehne, Reno resident, said this agenda item is extremely vague and, in his opinion, in violation of the Open Meeting Law as it does not identify the building projects concerning this resolution. He said there is no way for a citizen to know what is being talked about relative to this agenda item.

Katy Singlaub, County Manager, said she had the same complaint regarding this agenda language and brought the matter to the attention of staff. She advised that

approval of the resolution would allow the County to be reimbursed from bond proceeds for the District Attorney Office building that will be the joint project with the City of Reno Municipal Courts. She said money is being spent for design and engineering and the Resolution would allow the County to be reimbursed when financing is available for the project. She apologized to Mr. Dehne and the public for the agenda not being clear about what building project was involved.

Legal Counsel Shipman said the agenda item contains an amount and, in her opinion, provides enough information for the Board to proceed. She advised that Bond Counsel resolutions are usually generic and do not specifically state a project, so staff was not able to identify the project for the agenda language. She suggested that in the future questions need to be asked when bond resolutions are received so that more information can be included on the agenda.

Commissioner Galloway stated that, if this item represented a matter of the public not having the opportunity to say whether the project could go forward, he would ask that the item be reagendaized. He said the project has been approved and he has been assured him that when the debt financing is brought before the Board for approval, it will be properly agendaized.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute:

RESOLUTION CONCERNING THE FINANCING OF BUILDING PROJECTS; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to NRS §§ 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, improve, equip, operate and maintain building projects within the County, including without limitation, offices, equipment, structures, fixtures and furniture therefor and all appurtenances and incidentals necessary, useful or desirable for any such facilities, including without limitation all types of property therefore, as provided in NRS 244A.019 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to § 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolu

tion of intent to issue the Bonds additionally secured by the certain of the County's consolidated tax pledged revenues (the "Pledged Revenues").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, NEVADA:

Section 1. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$20,000,000.

Section 2. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 3. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 4. This resolution shall become effective and be in force immediately upon its adoption.

02-22 POLICY – YOUTH AND ADULT SPORTS ORGANIZATIONS – REIMBURSEMENT FOR UTILITY COSTS ASSOCIATED WITH SPORTS FIELD LIGHTING AND ESTABLISHING FEE – PARKS

Upon recommendation of Doug Mullens, Recreation Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that a policy allowing for the recovery of actual utility costs associated with athletic field lighting from the permitted sports organizations utilizing those facilities, with a graduated percentage increase over the next three years of a 50% recovery rate in 2002, 75% in 2003 and 100% in 2004 and thereafter be approved. It was further ordered that a flat rate fee of \$15.00 per night, per lighted field, be approved for all other standard field rentals.

It was noted that based on the current usage and number of lighted fields at County owned facilities, staff estimates a recovery of utility costs as follows: 50% in

calendar year 2002 in the amount of \$4,250.00, 75% in 2003 in the amount of \$6,375.00 and 100% in 2004 and thereafter in the amount of \$8,500.00

02-23 2002 FEE SCHEDULE – SPORTS LEAGUES AND FIELD RENTALS – PARKS

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the revised 2002 fee schedule, as outlined in the agenda material dated December 21, 2001, and placed on file with the Clerk, be approved.

02-24 POLICY - JOINT-USE AGREEMENTS – SCHOOL DISTRICT – MAINTENANCE AND SHARED USE OF TURF AND SPORTS FIELDS

Upon recommendation of Doug Mullens, Recreation Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a policy that says only those joint-use agreements with the Washoe County School District for the maintenance and shared use of turf and sports fields that meet the minimum dimension standards for regulation size youth sports fields as specified in the County "Green Book of Standard Details for Park and Open Space Design" be approved.

02-25 STATUS REPORT - COLLECTIONS DIVISION

Chairman Sferrazza noted that at yesterday's caucus meeting the Board complimented the Collections Division for their high performance.

Upon recommendation of Robin Greco, Collections Division Administrator, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that the status report of the Collections Division dated December 21, 2001, and placed on the file with the Clerk be accepted.

02-26 AGREEMENT – PIPE OVERSIZING AND ROAD CONSTRUCTION - SCOTCH PINES SUBDIVISION – WATER RESOURCES

Katy Singlaub, County Manager, provided information in response to questions asked at yesterday's caucus meeting.

Upon recommendation of John Collins, Manager, Utility Services Division, through Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Agreement for Pipe Oversizing and Road Construction within the

Scotch Pines Subdivision between Washoe County and Scotch Pine Associates, L.L.C. in the amount of \$304,000.00 be approved and Chairman Sferrazza be authorized to execute. It was further ordered that the Manager of the Utility Services Division be directed to the record the agreement with the County Recorder.

02-27 CAPITAL OUTLAY – DATA NETWORK AND TELECOMMUNICATIONS INFRASTRUCTURE AND MODULAR FURNITURE – 350 SOUTH CENTER STREET - SOCIAL SERVICES

Michael Capello, Director, Department of Social Services, provided information regarding this item in response to questions of the Board.

Upon recommendation of Mr. Capello, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Capital Outlay in the approximate amount of \$448,100 to purchase and install the necessary data network and telecommunications infrastructure and modular furniture for 350 South Center Street be approved.

It was noted that on June 14, 2001, the Nevada Legislature passed Assembly Bill 1, providing for integration of State and local child welfare services. To accommodate the additional staff transferring from the State to Washoe County employment and to ease the current overcrowded conditions at the Ninth Street and Wildcreek locations, the Board approved the lease of the second floor at 350 South Center Street. The costs for the telecommunications infrastructure and purchase of modular furniture is necessary for the leased space. It was further noted that Washoe County will be eligible for State and Federal reimbursements for a portion of the costs, with an end cost to Washoe County of approximately \$207,765.

02-28 GRANT AWARDS – FISCAL YEAR 2002/03 DIVISION FOR AGING SERVICES – SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the following grant awards for FY 02/03 from the Division for Aging Services in the amount of \$1,154,549.90 be accepted:

Washoe County Senior Nutrition Program	\$ 470,220.00
USDA Nutrition Reimbursement	85,460.90
Independent Living Grant Program	225,461.00
Independent Living Grant Carryover	150,177.00
Single Entry Point System	223,231.00
TOTAL	\$1,154,549.90

It was further ordered that the following account transactions be authorized:

REVENUES

Program	Amount	Account
Senior Nutrition – Congregate	\$116,725.00	25051G02 - 4301
Senior Nutrition – Congregate	99,095.00	25051G02 - 4302
Senior Nutrition – Home	76,399.00	25052G02 - 4301
Senior Nutrition – Home	178,001.00	25052G02 - 4302
USDA – Congregate	42,730.45	25051G02 - 430120
USDA – Home	42,730.45	25052G02 - 430120
Independent Living – FY 01	150,177.00	2501G82 - 4302
Independent Living – FY 02	225,461.00	2501G82 - 4302
Single Entry Point System	223,231.00	2501G83 - 4301

EXPENDITURES

Program	Amount	Account
Senior Nutrition – Congregate	\$215,820.00	25051G02 - 7392
Senior Nutrition – Home	254,400.00	25052G02 - 7392
USDA – Congregate	42,730.45	25051G02 - 7392
USDA – Home	42,730.45	25052G02 - 7392
Independent Living	344,439.00	2501G82 - 7001
	31,200.00	2501G82 - 7849
Single Entry Point System	109,240.00	2501G83 - 7001
	47,191.00	2501G83 - 7237
	66,800.00	2501G83 - 7828

**02-29 RECLASSIFICATION AND CLASSIFICATION OF POSITIONS –
CREATION OF NEW CLASS – TITLE CHANGE – HUMAN
RESOURCES**

Katy Singlaub, County Manager, reviewed the agenda item and advised that discussion was held on this matter at yesterday's caucus meeting. Chairman Sferrazza said the Board was advised that the new classes would enable the County to hire people at a lower entry level, which would decrease the cost of some of the positions. County Manager Singlaub responded to questions of Commissioner Galloway concerning the Assistant Director of Parks and Recreation position.

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the following reclassification of an existing position, classification of a new position, creation of a new class and title change of existing class be approved:

Reclassification of existing position

Department	Current Position	Pay Grade	Date of Request	Recommended Class	Pay Grade
Parks & Recreation	Assistant Director Parks & Recreation	R	Reorganization approved by BCC 5/22/01	Assistant Director Parks & Recreation	T

Classification of FY 01/02 New Position

Department	Current Position	Date of Request	Recommended Class	Pay Grade
Social Services	New Position	Approved by BCC for 01/02 Budget effective 7/01	Social Services Program Specialist	Q

Creation of New Class and Class Series

Department	Recommended Class	Pay Grade
Health	Health Educator I	L

Title Change of existing class

Current Class Title	Recommended Class Title
IT Project Coordinator	IT Project Coordinator II
Health Educator	Health Educator II

02-30 REJECTION OF BIDS – PWP-WA-2002-39 - REGIONAL DISPATCH AND EMERGENCY OPERATIONS CENTER – PUBLIC WORKS

Legal Counsel Shipman advised that the bids received for this project did not meet statutory requirements.

On motion by Commissioner Shaw, seconded by Commissioner Gallo-way, which motion duly carried, Chairman Sferrazza ordered that the following actions be taken concerning Bid No. PWP-WA-2002-39 for the Regional Dispatch and Emergency Operations Center:

1. The protest filed by United Construction be dismissed.
2. All bids submitted for the subject project be rejected, as all bids or bidders were deficient and did not meet statutory requirements.
3. Staff be directed to re-bid the project in February 2002.

02-31

RESOLUTION - REFUND OF TAXES – VITALITY CENTER DBA PHOENIX HOUSE – DISTRICT ATTORNEY

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6403, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sferrazza be authorized to execute on behalf of Washoe County:

RESOLUTION - Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.220 – 354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

WHEREAS, Vitality Center dba Phoenix House ("Taxpayer"), made application for a partial refund of real property taxes for the 2000-2001 tax year on APN 035-051-04; and

WHEREAS, Vitality Center dba Phoenix House has overpaid taxes for 2000-2001 fiscal year in the amount of \$1,034.86; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application and that the granting of the partial refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County is authorized and directed to refund Vitality Center dba Phoenix House a total of \$1,034.86, that amount being the prorated taxes overpaid for the 2000-2001 tax year on APN 035-051-04.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

02-32

STATUS REPORT – CONTINUATION OF APPEAL BY OUTSIDE COUNSEL - WASHOE COUNTY, ET. AL. V. UNITED STATES – TRUCKEE MEADOWS PROJECT – DISTRICT ATTORNEY

Chairman Sferrazza advised that the District Attorney's Office has recommended the County participate in the appeal since the cost would only be for litigation and not for attorney's fees, and the County might recover substantial damage.

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the status report of litigation Washoe County, et. al., v. United States relating to the Truckee Meadows Project be accepted. It was further ordered that the Assistant District Attorney be authorized to execute the document continuing representation by the firm of Dickstein, Shapiro, Morin & Oshinsky, LLP.

02-33 **BILL NO. 1323 - AMENDING WCC CHAPTER 10 – CLERK OF THE COURT – ELIMINATION OF MICROFILMING OF JUDICIAL RECORDS BY COUNTY CLERK**

Legal Counsel Shipman provided a revision to the ordinance to reflect amendments discussed at yesterday's caucus that the Court Administrator not be specifically designated and authorize the district judges to appoint and/or designate a Court Administrator in accordance with the Supreme Court decision regarding Harvey v. Second Judicial District Court. Chairman Sferrazza stated that discussion was held at yesterday's caucus meeting about removing the portion of Section 10.030 that would eliminate the requirement for the Court Administrator to prepare and submit budgets to the County Manager and the Board of County Commissioners. He said he initially thought that section would not be needed, but he would not want the Board's budgetary responsibility to be eliminated. Legal Counsel Shipman advised that the Board's appropriation and budget authority is absolute, and there was no specific intent to remove any obligations, but that section could be left in if the Board wishes. Chairman Sferrazza and Commissioner Shaw requested that the County Commission retain its budgetary authority.

Bill No. 1323, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CHAPTER 10 TO REFLECT THE AUTHORITY OF THE COURT TO APPOINT AND/OR DESIGNATE A CLERK OF THE COURT, TO ELIMINATE THE MICROFILMING OF JUDICIAL RECORDS BY THE COUNTY CLERK BY REPEALING SECTION 10.040, TO UPDATE REFERENCES IN CHAPTER 10 TO AMENDED PROVISIONS OF CHAPTER 5, AND OTHER MATTERS PROPERLY RELATING THERETO" was introduced, as amended, by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

02-34 **AIRPORT AUTHORITY PUBLIC INPUT PROCESS FOR PART 150 NOISE MITIGATION**

Chairman Sferrazza advised that he received complaints from constituents that they attended the Airport Authority public hearings on the Part 150 Noise Mitigation and were sent into a room with a court stenographer where they made public comments, but no one else could hear their testimony. They are requesting that there be an open process where everyone can provide and listen to public comments.

Katy Singlaub, County Manager, stated that staff advised the Airport Authority that this item would be heard today; and that the Executive Director submitted a letter about their process, which she will provide to the Board.

Sam Dehne, Reno citizen, said it is an insult to the Board that no one from the Airport Authority is present. He then discussed issues of concern relative to the Airport Authority and the Part 150 Noise Mitigation Study. He said all citizens should be allowed to speak in an open forum.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, the Board expressed its belief that any public input process for the Part 150 Noise Mitigation Study may include transcribed statements taken in private, but the same individuals must also have an opportunity to express their concerns in an open forum.

02-35 BOARD AND COMMITTEE ASSIGNMENTS AND APPOINTMENTS

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, the following board and committee assignments and appointments were approved:

Pete Sferrazza

Criminal Justice Advisory Committee (alternate)
Investment Committee (Chairman must serve) – appointed 1/08/02
Nevada Association of Counties – Board of Directors (12/31/02)
Organizational Effectiveness Committee (Chairman to serve)
Regional Planning Governing Board (alternate) (no set term)
Reno-Sparks Convention & Visitors Authority–appointed 1/99 (12/31/02)
Truckee Meadows Water Authority (TMWA) (Chairman to serve)

Joanne Bond

Investment Committee – appointed 1/99 (12/31/02)
Joint Fire Advisory Board (12/31/02)
Nevada Association of Counties – 1st Vice President
Park Commission (liaison) – appointed 1/99 (12/31/02)
Regional Planning Governing Board – 6/30/02
Reno-Sparks Convention & Visitors Authority–appointed 1/01 (12/31/02)

*Indigent Board – NACO
*NACo Family and Youth Services
*NACo Taxation and Finance Committee
*One Region, One Vision
*State Workforce Development Board

*These appointments are not a part of the regular Commission appointments.

Jim Galloway

Criminal Justice Advisory Committee (primary)
Debt Management Commission – appointed 1/99 (12/31/04)
Nevada TRPA*
Nevada Association of Counties (alternate)
Nevada Tahoe Conservation District Board of Supervisors (12/30/02)
Regional Planning Governing Board (6/30/04)
Senior Citizens Board - appointed 1/02 (12/31/04)
Tahoe Regional Planning Agency*

**Joint Coordinating Committee for Truckee Meadows Water
Reclamation Facility (alternate)
**NACO (alternate)
**Nevada Commission for the Reconstruction of the V & T Railway
(alternate)

*Nevada members of TRPA sit on NTRPA

**These appointments are not a part of the regular Commission appointments.

Jim Shaw

District Board of Health (12/31/04)
Employee Recognition Committee (12/31/04)
Regional Transportation Commission – reappointed 1/8/02 (12/31/04)
Regional Planning Governing Board (alternate) (no set term)

*Washoe County Human Service Consortium [member of triumvirate]
(per BCC 4/94 at the request of the Consortium) (06/30/02)

*This appointment is not a part of the regular Commission appointments.

Ted Short

Joint Fire Advisory Board (12/31/02)
Regional Planning Governing Board (6/30/03)
Regional Transportation Commission (12/31/02)

*Nevada Commission for the Reconstruction of the V & T Railway
(primary)

*This appointment is not a part of the regular Commission appointments.

02-36

**RULES AND PROCEDURES – 2002/2003 WASHOE COUNTY
BOARD OF COMMISSIONERS**

Chairman Sferrazza referred to Item 5 of the Rules and Procedures regarding caucus meetings. He said discussion has been held on the suggestion that during the agenda review at caucus the Board could let staff know whether they need to attend the regular meeting on certain items. If discussion does come up at the regular meeting and the staff member is not available, the item might then be continued to a future meeting. He stated that the purpose of this procedure is to save staff from having to attend the caucus meeting and the regular meeting, if it is not necessary.

Commissioner Bond suggested that discussion on this issue might be held at the January 14 Board Retreat. Commissioner Galloway agreed, stating the matter should be discussed further.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the Rules and Procedures for the Washoe County Board of Commissioners, as outlined in the agenda material, be adopted; and that discussion concerning this matter continue to the Board retreat.

3:30 p.m. The Board recessed.

5:30 p.m. The Board reconvened with all present as in the afternoon session.

02-37

**ORDINANCE NO. 1144 - BILL NO. 1320 - AMENDING CHAPTER
65 - EMERGENCY MANAGEMENT DUTIES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001, to consider second reading and adoption of Bill No. 1320. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that Ordinance No. 1144, Bill No. 1320, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS TO THE SUCCESSION OF AUTHORITY FOR EMERGENCY MANAGEMENT DUTIES,**" be approved, adopted and published in accordance with NRS 244.100.

02-38

ORDINANCE NO. 1145 - BILL NO. 1321 - ASSESSING THE COST OF STREET IMPROVEMENTS - SPECIAL ASSESSMENT DISTRICT NO. 30 - ANTELOPE VALLEY ROAD

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001, to consider second reading and adoption of Bill No. 1321. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that Ordinance No. 1145, Bill No. 1321, entitled, "**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH,**" be approved, adopted and published in accordance with NRS 244.100.

02-39

ORDINANCE NO. 1146 - BILL NO. 1322 - AMENDING CHAPTER 70 - DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001 to consider second reading and adoption of Bill No. 1322. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that Ordinance No. 1146, Bill No. 1322, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING SEC. 70.38653 RELATING TO BEING UNDER THE INFLUENCE OF ALCOHOL IN A VEHICLE AND AMENDING SEC. 70.38652 TO CONFORM TO STATE LAW,**" be approved, adopted and published in accordance with NRS 244.100.

**RESOLUTION AUTHORIZING INTERFUND LOAN -
LAWTON/VERDI WASTEWATER PROJECT**

Commissioner Galloway noted that the \$495,000 is the maximum amount that will be needed as the 25 percent match to receive the grant funds; and that it may not all be expended.

Upon recommendation of Brian Mirch, Senior Financial Analyst, through Lisa Gianoli, Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution authorizing an interfund loan with appropriation authority and cash transfers from the Washoe County Public Works Construction Fund (092) to the Department of Water Resources Fund (066), in an amount not to exceed \$495,000.00, to be used as the matching funds for the Lawton/Verdi Wastewater Project Grant from the Department of the Army be approved and Chairman Sferrazza be authorized to execute. It was noted that the funds are to be advanced on an as needed basis up to a maximum of \$495,000.

RESOLUTION

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN - PUBLIC WORKS
CONSTRUCTION FUND (092) TO THE WATER RESOURCES FUND (066)**

WHEREAS, the Public Works Construction Fund (092) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$495,000 without adversely affecting its cash needs; and,

WHEREAS, on November 27, 2001 the Board approved and executed the Department of the Army grant agreement in the amount of \$1,982,000 which required a local match of \$495,000; and,

WHEREAS, the grant will be used for the initial work on the Lawton/Verdi Wastewater Project including the Facilities Plan and Environmental Assessment; and,

WHEREAS, the short-term cash loan will not in any way have an adverse or deleterious effect upon the Public Works Construction Fund (092); and

WHEREAS, repayment of the loan will come from funds collected from past lot developments, reimbursement from the grant for funds previously expended on the Lawton/Verdi Wastewater Project, and from future hookup fees.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE
OF NEVADA:**

Section 1 The County Comptroller is hereby directed to transfer amounts as needed, up to \$495,000 from the Public Works Construction Fund (092) to the Water Resources Fund to cover interim expenditures prior to obtaining financing.

Section 2. The cash interfund transaction for this loan us as follows:

<u>Fund 092 - Public Works Construction Fund:</u>	Debit:	Credit:
Due from Water Resources Fund (092-9204152-7849)	\$495,000	
Cash (092-1001)		\$495,000

<u>Fund 066-Water Resources Fund:</u>	Debit:	Credit:
Due to Public Works Construction Fund (066-66842-7880)	\$495,000	
Cash (059925-1001)		\$495,000

Section 3 Appropriation authority in the Water Resources Fund will be augmented to provide the necessary expenditure authority.

Section 4. The interfund loan is nonrenewable and must be repaid within twelve months following the month in which the loan is made.

Section 5. There shall be interest charged on this interfund loan at an annual rate of 5.4%, calculated from the date(s) the advances are made.

Section 6. This resolution shall be effective upon passage and approval.

Section 7. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, and the Finance Department.

02-41 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP01-002 - JOSEPH LEISEK

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001, to consider Comprehensive Plan Amendment Case No. CP01-002, a request by Mr. and Mrs. Joseph Leisek to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 055-140-14 from the land use category of General Rural (GR) and High Density Rural (HDR) to Medium Density Rural (MDR) and Low Density Rural (LDR). The net change in development potential equals a maximum of 2 residential lots. The parcel considered for the land use change totals 25.96+/- acres, and is located north of Bellevue Road and east of Old Highway 395. The parcel is found within the Washoe Valley Hydrographic Basin, of Section 14 & 15, T16N, R19E, MDB&M. The parcel considered for the land use change is designated as

"Rural" on the Truckee Meadows Regional Plan land use diagram, so a Regional Plan amendment should not be required. Administrative changes to the area plan are necessary to reflect the changes requested within this application, including new text or policy, a revised Public Services and Facilities Map, and a revised table of land use.

Chairman Sferrazza opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that Comprehensive Plan Amendment Case No. CP01-002 be approved based on the Board having made the following findings:

1. The proposed amendments to the South Valleys Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan. The amendment conforms to policies LUT.1.1, LUT.1.12, LUT.1.14, PSF.1.13, and SV.2.5.
2. The proposed amendments to the South Valleys Area Plan will provide for land uses compatible with existing and planned land uses to the south, north and east of the subject site (LUT.1.3, LUT.1.5, LUT.1.12, and LUT.1.14) and will not adversely impact the public health, safety or welfare.
3. The proposed amendments to the South Valleys Area Plan respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the South Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the South Valleys Area Plan is the first amendment to the Plan in 2001, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the South Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

02-42 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP01-004 -
REDFIELD CAMPUS BUSINESS PARK

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001, and a corrected Notice having been published on January 2, 2002, to consider a request by the Redfield Land Company to amend the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate 16.63 acres of a 66.6 acre parcel (APN 144-070-03) from the land use categories of Low Density Urban (LDU) and General Rural (GR) to Neighborhood Commercial (NC), the remainder of the parcel (49.97 acres) will remain General Rural (GR). APN: 144-070-03 is currently comprised of 12.2 acres of Low Density Urban (LDU) and 54.4 acres of General Rural (GR). The parcel considered for the land use change totals ±66.66 acres and is located adjacent to the UNR Redfield campus, south of Mt. Rose Highway, west of U.S. 395. The parcel is located within the Southwest Truckee Meadows Area Plan, in a portion of Sections 29 & 32, T18N, R20E, MDM. The parcel considered for the land use change is designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, so a Regional Plan amendment should not be required.

Chairman Sferrazza opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that Comprehensive Plan Amendment Case No. CP01-004 be approved based on the Board having made the following findings:

1. The proposed amendment to the Southwest Truckee Meadows Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.

2. The proposed amendments to the Southwest Truckee Meadows Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare. The proposed Neighborhood Commercial is compatible with the adjacent freeway expansion and the future UNR Redfield Campus to the north.
3. The proposed amendment to the Southwest Truckee Meadows Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the Southwest Truckee Meadows Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the Southwest Truckee Meadows Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services. The requested land use change helps facilitate the development of the area for business/employment opportunities.
6. The proposed amendment to the Southwest Truckee Meadows Area Plan is the first amendment to the Plan in 2001, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Southwest Truckee Meadows Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 28, 2001, to consider a request to amend the Steamboat Specific Plan, being a part of the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the "Energy Production" use category on parcels of land having the "Industrial" Land Use Designation, from that of "Allowed" to requiring a Planning Commission Special Use Permit. This change would affect 16 parcels having the "Industrial" Land Use Designation that are located within the boundaries of the Steamboat Specific Plan. Assessor's Parcel Numbers 49-385-01, 49-385-02, 49-385-07, 49-392-04, 49-392-05, 49-392-06, 49-450-02, 49-450-05, 49-450-08, 49-450-10, 49-450-11, 49-450-44, 49-450-45, 49-450-47, 49-450-51, 49-450-52. The parcels are located south of S.R. 431, east of U.S. 395 and west of South Virginia Street in County Commission District 2. The parcels are found within the Truckee Canyon Hydrographic Basin, in Sections 28, 29, 32 & 33, T18N, R20E, MDB&M, Washoe County, Nevada.

Bill Whitney, Department of Community Development, explained the issue is a request to amend the Steamboat Specific Plan, Energy Production, so that all energy production projects, except geothermal, on the 16 parcels in the plan area would require a special use permit. He displayed a map on the overhead to orient the Board to the location of the Specific Plan Area, noting that the 16 parcels are designated industrial and that any type of energy production is currently an allowed use without a special use permit. He further stated this amendment is in response to the Galena-Steamboat and the Southwest Truckee Meadows Citizen Advisory Boards' concerns and the concerns of numerous citizens who worked on the development of this specific plan. Mr. Whitney stated the text, goals and policies found in the plan strongly encourage the production of geothermal energy resources, and specific development standards for geothermal are included in the text, but there is no mention of standards, noticing, or reclamation for any other type of energy production. Amending the plan to require a special use permit for all other energy development will ensure notification of all property owners in the vicinity and provide a public forum for the residents to voice their opinions. He further stated staff believes that making this singular change to the table of allowed uses will make the plan more consistent with what the community and the County Commissioners intended at the time of original adoption. He then reviewed the table of allowed uses reiterating that production of geothermal energy would still be allowed without a special use permit.

Commissioner Galloway noted the letter received from Far West's representative concerning the investment in time and money already expended in a diesel powered plant they are proposing for the area and asked if that was considered at the Planning Commission and whether the production of other energy types would reduce the potential for geothermal production. Mr. Whitney responded that, at the Planning Commission meeting, he asked the Board to consider the appropriateness of the request and

not to focus on any specific project. He further stated that if other uses were put on those 16 parcels, there would be less acreage for the geothermal. Commissioner Galloway stated that Far West is requesting an area be exempted from the special use permit process for a diesel-powered energy project they have been working on.

In response to Board questions, Rebecca Wagner, Far West Energy, Government Affairs, outlined two areas on the map they are considering for the new project and stated their intent was to be exempt until they determine the ideal location.

Commissioner Bond asked how long Far West has been working on this other project. Madelyn Shipman, Assistant District Attorney, cautioned the Board that, while they can consider the Far West situation in deliberating the amendment request, the proposed project should not be the focus. Mr. Whitney advised that Far West is the company in the area producing the geothermal energy, and they have been looking for other opportunities. He further stated that is what precipitated this amendment request because when the community realized what Far West was working on, they also realized there was a "hole" in their specific plan as it was not their intent to allow all types of energy production without a process.

Commissioner Galloway asked if exempting part of the property from the comprehensive plan amendment request is an option available to the Board. Ms. Shipman stated the Board can amend the Planning Commission's recommended approval, but it would have to go back to the Planning Commission for their comment. Commissioner Galloway brought up a hypothetical scenario of the proposed plant already having been built and the issue of non-conforming uses was discussed. Ms. Shipman pointed out the determination that needs to be made is whether Far West has any vested rights in their project.

Mr. Whitney emphasized that what the community wants is to have a public review process for other energy production projects, and stated that requiring a special use permit is not denying a project.

Chairman Sferrazza asked about other permitted uses in the specific plan. Mr. Whitney and the Board then reviewed in detail the table of allowed uses in the specific plan focusing on the industrially zoned portion.

Chairman Sferrazza opened the public hearing by calling on anyone wishing to speak requesting that those who are in favor of the requested amendment speak first.

Mary Ann Kafchinski, Virginia Foothills resident, requested that the Board protect and preserve their rural quality of life by not allowing diesel generators to produce great amounts of pollution in the area.

David Kladney, Vice Chairman of the Mt. Rose-Geiger Grade Citizen Advisory Board, stated the community wants this amendment to pass. He noted all the new

businesses, such as the high-tech center, the University campus, St. Mary's new hospital, etc., all locating in the area and stated having a diesel generated power plant nearby is not appropriate. Mr. Kladney said Far West has had years to gain an entitlement for their project and has not done so; and that, at the Planning Commission meeting, the Far West representative explained that what they are waiting on is to have everything in order, and then somehow have Sierra Pacific grant them a contract to buy their power so they can afford the high power costs of last summer. Mr. Kladney emphasized that Far West has no entitlement; and that all they needed to do was take their plans to the Building Department, get them approved, and get their permit, which they have not done. He stated he was on the CAB when this specific plan was developed, and Far West, at the time, said they were doing geothermal. The community would not have approved the plan as it is if they had known there might be other types of energy developed. He further stated at the last CAB meeting, this was on their agenda, there was a huge turnout, and the people were overwhelmingly against the new energy project. Mr. Kladney submitted letters from citizens who requested they be placed into the record.

Leif Reid, attorney representing Far West, stated Far West will be impacted by the requested change in the specific plan, and their proposed diesel plant was the motivation behind the request. He explained that the Steamboat Specific Plan allows for four types of energy production, geothermal, solar, wind and petroleum; and that was not put into the plan by accident. Mr. Reid stated Far West has no intention of developing any other types of energy than set forth under the existing specific plan and has relied upon the existing plan in conducting development and business at the site. He explained that Far West has expended at least \$6.5-million in costs and obligations on this project, including the diesel generating turbines that are on order and for which Far West is committed. Mr. Reid further stated this project has been in the planning stages for quite some time and referred the Board to letters dated November, 2000, from the Department of Community Development and the District Health Department concerning the project. He stated obtaining a building permit would be the last act required and has not been done because of the nature of electrical generation. He further explained that final engineering and design of a project is not known until the purchaser of the electricity is known and the specifications are requested by the purchaser. Mr. Reid stated Far West has vested rights despite the fact that there has been no application for a building permit. He reiterated that they do not oppose the amendment to the specific plan as long as this project can still move forward.

Chairman Sferrazza asked, if the specific plan allows for solar, wind, geothermal and petroleum powered plants, how this plant fits into those. He also asked what the term "french-fry" plant means. Mr. Reid explained the project has been bid to several potential energy purchasers and one of the bids is as a renewable energy project in which biofuel, such as soybean or other recycled oils, would be used. Chairman Sferrazza stated that would not be an allowed use under the current plan. Mr. Reid stated all

of the approvals they have received so far have been based on diesel generation. Mr. Whitney pointed out that the specific plan does not say that gas, diesel, solar or wind are permitted; and that in the staff report he stated there is no mention of standards for noticing or reclamation for any of those types of energy production. He stressed that the whole specific plan is focused on geothermal energy production and the plan includes specific standards for geothermal production, but it does not include any standards for other types of energy production.

In response to Chairman Sferrazza, Mr. Kladney stated the "french-fry" oil issue has not been settled and he read a lengthy excerpt from the transcript of the Planning Commission hearing in which Far West representatives stated that because of public concerns they are changing the project from diesel to biofuel, which is recycled cooking oil or plant oils like soybean. He continued to read, quoting the representatives as stating that it would help get rid of all the cooking oils from McDonalds, Burger King, etc., in the area, plus it will smell like french-fries. Mr. Kladney stated the issue is honesty and credibility; that Far West says everything is in place, but they haven't even chosen a site; that they do not know exactly what the plan is going to be like because they do not have a customer for their power; and yet they have already spent \$6.5-million.

Commissioner Bond stated the Steamboat Specific Plan clearly emphasizes that geothermal energy production would be allowed and amending this specific plan would not kill the other Far West project. She stated it would just mean they would have to go through the special use permit process.

Chairman Sferrazza asked which property the Board would exempt for Far West, if they chose to do so, since a site has not yet been designated. Mr. Reid stated that Ms. Wagner did identify two possible sites, but it is their contention that their rights to that development have vested to all of their property affected by the amendment and that would be their request.

There being no one else wishing to speak, Chairman Sferrazza closed the public hearing.

Ms. Shipman advised that the Board could exempt a specific parcel or parcels from the amendment request, but they could not exempt a project.

Commissioner Galloway stated that specifically exempting someone on the grounds that they may already be entitled is redundant. If Far West is correct that they are already entitled, then they do not need a specific exemption.

Commissioner Short stated that when the Board first initiated this action, they did acknowledge that these people were working on a project; and he expressed his concern that this action might stop that process. Commissioner Galloway suggested that staff be directed to seriously consider any evidence Far West presents regarding being entitled through substantial reliance when they apply for a building permit. He also stated their other avenue is to apply for a special use permit, so the project is not being

stopped. Chairman Sferrazza stated he believes the substantial reliance issue should be decided by this Board or by a court, not by staff. Ms. Shipman stated staff direction concerning a building permit is not appropriate for this action.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Short abstaining, Chairman Sferrazza ordered that Comprehensive Plan Amendment Case No. CP01-011, Steamboat Specific Plan, Energy Production Change, be approved based on the Board having made the following findings:

1. The proposed amendment to the Steamboat Specific Plan is in substantial compliance with the policies and action programs of the Southwest Truckee Meadows Area Plan and the Washoe County Comprehensive Plan.
2. The proposed amendment to the Steamboat Specific Plan will provide for policies compatible with existing land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Steamboat Specific Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the Steamboat Specific Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the Steamboat Specific Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the Steamboat Specific Plan is the first amendment to the Southwest Truckee Meadows Area Plan in 2001, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Steamboat Specific Plan, and the related changes to the text of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

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There being no further business to come before the Board, the meeting adjourned at 7:20 p.m.

PETER J. SFERRAZZA, Chairman
Washoe County Commission

ATTEST: **AMY HARVEY**, County Clerk

*Minutes Prepared by
Barbara Trow and Sharon Gotchy
Deputy County Clerks*